IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.43 OF 2006

Raphel Amechi Aneki ...Applicant.

V/s

State of Maharashtra
(P.I. Wanwadi Police
Station, Pune) ...Respondent.

Mr. Pramod Khatme i/b S.S. Thombre for the applicant.

Ms. Rajeshree M. Gadhvi, APP for the State.

CORAM: V.M. KANADE, J.

DATE: 13th February, 2006

P.C.:

1. Heard the learned Counsel for the applicant and the learned APP for the State.

2. The applicant was arrested in connection with the offence punishable under sections 406, 420, 467, 468, 471 read with section 34 of the Indian Penal Code and under section 14 of the Foreigners Act, 1946. It is alleged that the applicant made a false representation that he had US Dollars and on the basis of this false representation cheated the complainant to the tune of Rs 16 lakhs. The complainant later on discovered that the currency notes which were given by the applicant were counterfeit notes.

3. It is submitted by the learned APP appearing on behalf of the State that the applicant had entered the country on the basis of a fake passport and, therefore, he has also committed an offence under the Foreigners Act, 1946. She submitted that if the applicant is released on bail, he is likely to abscond.

4. Considering the nature of allegations which are made in the application, in my view, the applicant is entitled to be released on bail. Merely because the applicant is a foreigner who has entered the Country on the basis of fake passport, he cannot be put behind the bars indefinitely as the trial, in any case, is not likely to be over atleast for some time.

5. The applicant, therefore, be released on bail in the sum of Rs 25,000/- with one or two sureties in the like amount. The applicant shall report to Wanwadi Police Station, Pune twice in a week.

6. Application is accordingly disposed of.

V.M. KANADE, J.